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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/213,169	12/17/1998	JOHN R. FREDLUND	78685F-P	7343
1333	7590	06/20/2005	EXAMINER	
BETH READ PATENT LEGAL STAFF EASTMAN KODAK COMPANY 343 STATE STREET ROCHESTER, NY 14650-2201			FRIDIE JR, WILLMON	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 06/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/213,169

EXAMINER
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22

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Commissioner for Patents

### DETAILED ACTION

The notice of appeal filed on 9/22/03 is not acceptable because the appeal fee required under 37 CFR 1.17(b) was not filed, or was not timely filed. See attached "Order Returning Undocketed Appeal to Examiner"

Applicant may obtain an extension of time under 37 CFR 1.136(a) to file the appropriate appeal fee. The date on which the notice of appeal, the appeal fee, the petition under 37 CFR 1.136(a), and the petition fee are filed will be the date of the reply and also the date for determining the period of extension and the corresponding amount of the fee. In no case may an applicant respond later than the maximum SIX MONTH statutory period or obtain an extension pursuant to 37 CFR 1.136(a) for more than FIVE MONTHS beyond the date of reply set in an Office action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willmon Fridie Jr. whose telephone number is 571-272-4476. The examiner can normally be reached on Monday thru Thursday 9-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.




WILLMON FRIDIE, JR.  
PRIMARY EXAMINER

Art Unit: 3722

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

wf



**WILLMON FRIDIE, JR.**  
**PRIMARY EXAMINER**

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte JOHN R. FREDLUND,  
JOSEPH A. MANICO and  
RICHARD G. MACKSON

Application No. 09/213,169



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on April 7, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On September 22, 2003, appellants filed a Notice of Appeal. A review of the file reveals that the fee was not charged for the Notice of Appeal. Before further review of this file, the above mentioned fee must be applied to the appellants' account.

Accordingly, it is

**ORDERED** that the application be returned to the Examiner for entry of the Notice of Appeal fee, and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

CRAIG FEINBERG  
Program and Resource Administrator  
(571) 272-9797

CF/dal

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